

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

WESTCHESTER FIRE INSURANCE	)	
COMPANY; NORTH RIVER	)	
INSURANCE COMPANY,	)	
	)	Plaintiffs
	)	2:05cv1523
	)	Electronic Filing
vs.	)	
TREESDALE, INC.; PITTSBURGH	)	Judge David Stewart Cercone/
METALS PURIFYING COMPANY,	)	Magistrate Judge Amy Reynolds Hay
	)	
Defendants	)	
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TREESDALE, INC.; PITTSBURGH	)	
METALS PURIFYING COMPANY,	)	
Counter-Claimants	)	
	)	
vs.	)	
WESTCHESTER FIRE INSURANCE	)	
COMPANY; NORTH RIVER	)	
INSURANCE COMPANY,	)	
Counter-Defendants	)	

**MEMORANDUM ORDER**

AND NOW, this 15<sup>th</sup> day of May, 2008, after the Plaintiffs filed

an action in the above-captioned case, and after Plaintiffs filed a Motion for Summary Judgment [Document No. 34], and after a Report and Recommendation [Document No. 55] was filed by the United States Magistrate Judge giving the parties until April 14, 2008 to file written objections thereto, and objections having been filed by Plaintiffs and a response to objections having been filed by Defendants, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the Motion for Summary Judgment submitted on behalf of Plaintiffs [Document No. 34] is DENIED.

*DS Cercone*

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DAVID STEWART CERCONE  
United States District Judge

cc: Honorable Amy Reynolds Hay  
United States Magistrate Judge

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